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October 4, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#22 of OCTOBER 4, 2016

Re: **PROJECT NO. R2014-01923-(5)**
VARIANCE NO. 2014-00008-(5)
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER

Lori Glasgow
LORI GLASGOW
EXECUTIVE OFFICER

Dear Supervisors:

Your Board previously held a duly-noticed public hearing regarding the Variance for the above-referenced project for the construction of a single-family residence on an undersized 4,670-square foot vacant lot with no assigned address located approximately 225 feet north of the intersection of Canyonside Road and Manzanita Street in the unincorporated community of La Crescenta applied for by Peter Gonzalez.

At the conclusion of the hearing, you indicated your intent to approve the decision of the Regional Planning Commission and instructed our office to prepare the appropriate findings and conditions. Enclosed are findings and conditions for your consideration.

Very truly yours,

MARY C. WICKHAM
County Counsel

By

Elaine M. Lemke

ELAINE M. LEMKE
Assistant County Counsel
Property Division

APPROVED AND RELEASED:

Thomas J. Faughnan
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EML:vn
Enclosures

c: Sachi A. Hamai
Chief Executive Officer

Lori Glasgow, Executive Officer
Board of Supervisors

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NO. R2014-01923-(5)
VARIANCE NO. 2014-00008-(5)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing on January 26, 2016, regarding Project No. 2014-01923-(5), consisting of Variance No. 2014-00008-(5) ("Variance") (collectively the "Project"). The County Regional Planning Commission ("Commission") conducted a duly-noticed public hearing regarding the Project on September 30, 2015.
2. The Project applicant, Peter Gonzalez ("applicant"), requests the Variance pursuant to Los Angeles County Code ("County Code") Section 22.56.260 et seq. to allow construction of a single-family residence on an undersized 4,670-square-foot irregularly L-shaped lot that is located approximately 225 feet north of the intersection of Canyonside Road and Manzanita Street in the unincorporated community of La Crescenta ("Project Site") within the La Crescenta-Montrose Community Standards District ("CSD").
3. The Variance is required pursuant to conditional Certificate of Compliance No. 2014-00060 ("CC"), issued for the subject property on July 14, 2014 and recorded that same day. The CC requires that prior to any construction or grading on the lot, its owner shall acquire a zoning permit such as a variance to adequately mitigate the negative effect of developing on an undersized lot.
4. The 0.1-acre vacant undeveloped Project Site is located in the La Crescenta Zoned District and is currently zoned R-1-7500 (Single Family Residence- 7,500 square feet minimum required area). The Project Site is located between Maurice Avenue and Canyonside Road with approximately 20 feet of the lot abutting Canyonside Road on the lot's east side and approximately 20 feet of the lot abutting Maurice Avenue on the lot's north side.
5. The Project Site is located within the 1 – Low Density Residential land use category of the Los Angeles County General Plan Land Use Policy Map.
6. Surrounding zoning in all directions is R-1-7500 within a 500-foot radius.
7. Surrounding land uses within a 500-foot radius are:

North: Single-family Residences, Open Space;
South: Single-family Residences;
East: Single-family Residences, Open Space; and
West: Single-family Residences.
8. The Project Site, which has no assigned address, was zoned R-1 in 1932 and rezoned to R-1-7500 in 1969. The Project Site is shown as Los Angeles County Assessor Parcel No. 5868-020-012.

9. The Project Site consists of two portions of land:
 - a. A portion of Lot 11, Tract 5784, Map Book 100, Pages 18-20, created as a remainder by Grant Deed No. 62, recorded December 30, 1963; and
 - b. A portion of Lot 10, Tract No. 5784, Map Book 100, Pages 18-20, created by Grant Deed No. 63, recorded December 30, 1963.

In 1963, the owner created four parcels through the above-cited grant deeds. At that time, while a division of four or less parcels was exempt from the California Subdivision Map Act (then Sections 11535-11540 of the Business & Professions Code) and the Los Angeles County Subdivision Ordinances (Ordinances 4478 & 5584), the then existing County Code required that lots to be developed be at least 5,000 square feet. As a result, a conditional certificate of compliance was issued for the Project Site rather than an unconditional certificate of compliance.

10. Plot Plan No. 2014-00707 ("Plot Plan"), which depicts construction of a new single-family residence with a detached garage on the Project Site, is being processed concurrently with this Variance. Final consideration of the Plot Plan will occur subsequent to approval of the Variance.
11. The Plot Plan depicts an L-shaped parcel with a lot area of 4,670 square feet. The lot contains two street frontages of approximate equal lengths of about 20 feet on Canyonside Road and on Maurice Avenue. The Project Site abuts three neighboring parcels with the properties to the northeast and to the west of the Project Site containing single-family residences.
12. The proposed two-story single-family residence on the Project Site would be located in the southwestern-most area of the property. The Plot Plan depicts a residence with 1,789.5 square feet of livable area plus a 935.5 square-foot roof deck. Side yard setbacks of five feet will be provided on three sides of the proposed residence. A front yard setback of 23 feet and a rear yard setback of 42 feet are provided. A detached two-car garage will be located approximately 42 feet from the property line along Canyonside Road. The front door of the proposed residence will be oriented to face towards Maurice Avenue. The maximum height of the house will be 34 feet, four inches above natural grade.
13. The Project Site is accessible via Maurice Avenue to the north and Canyonside Road to the east. Primary access to the Project Site will be via an existing driveway on Maurice Avenue. Secondary access to the Project Site will be via a new paved driveway leading to a new garage on Canyonside Road.
14. Prior to the public hearings on the Project by the Commission and the Board, a duly-noticed public hearing opened on July 7, 2015, before the hearing officer, and was continued to July 21, 2015, to allow staff from the Department of Regional Planning ("Regional Planning") time to review and respond to issues raised at the opening hearing day. At the continued hearing, after close of the hearing, the hearing officer adopted findings for approval of the Variance and

conditions for the Project. The hearing officer decision was appealed to the Commission.

15. The County Department of Public Works reviewed the Project and recommended its approval. The County Departments of Fire and Public Health reviewed the Project description and Project scope and determined that no review was warranted from their departments at the Variance stage. Those County Departments indicated they will review the Project when the applicant applies for building permits for the Project.
16. Prior to the Board's public hearing on the Project, Regional Planning determined that the Project qualified for a Class 3, New Construction or Conversion of Small Structures, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project consists of a Variance to allow construction of one single-family residence on a lot that is zoned for single-family residential use.
17. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 in Title 22 of the County Code ("the Zoning Code"), the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of La Crescenta community.
18. Prior to the public hearings, Regional Planning received a letter from the Crescenta Valley Town Council ("Town Council") dated June 23, 2015, recommending approval of the proposed Variance. Staff also received numerous letters and e-mails and a petition with more than a dozen signatures opposed to the Project that expressed concerns about the Project's lot size and proposed house square footage, increased vehicular traffic and parking issues caused by a new single-family home, construction traffic during the proposed home's construction, fire safety, emergency access, and loss of a vacant lot that many contended was not designed to be developed with any type of housing.
19. At the duly-noticed September 30, 2015 Commission public hearing, the appellant of the hearing officer approval ("appellant") testified in opposition to the Variance and answered questions from the Commission. The appellant raised a number of concerns including staff's definition of the Project Site's lot line locations, the appearance of the proposed garage and driveway along the Canyonside Road, street frontage, and the alleged common ownership of the Project Site and the lot immediately to its south. The applicant testified in support of the Project and answered questions from the Commission. One other Project opponent, a resident of the neighborhood, testified, objecting to the proposed size of the house in relation to the size of the lot and pointed out the large number of residents opposed to the Project. After completion of public

testimony, the Commissioners discussed the existence of other undersized lots in the neighborhood with homes located on them, the fact that any possible future subdivision activity in the neighborhood would have to abide by the current 7,500-square-foot minimum lot size requirement, and the process of how the lot was created in 1963. Thereafter, the Commission closed the public hearing, denied the appeal, and approved the Variance.

20. The Commission's approval was timely appealed to the Board by the same appellant. Additional correspondence regarding the Project was received prior to the Board's January 26, 2016 hearing. At the Board hearing, Regional Planning staff briefly explained the requested Variance, including that it was supported by the Town Council, and indicated that Regional Planning recommended approval of the Variance.
21. There were six speakers at the Board hearing, four opposed to the Project, one in support, and one who did not indicate support or opposition. The appellant expressed concern that the Town Council was misled regarding the extent of its authority to oppose the Project and thus its recommended approval should be discounted. He further testified that due to the size and configuration of the Project Site that the Project would be incompatible with the neighborhood, and unnecessarily remove trees. He also asserted that he believed the Project Site and an adjoining property were owned by the same party, thereby allowing merger of those parcels. Others who opposed the Project reiterated the appellant's concerns. In addition, one opponent testified that the Project Site had been used as a driveway for an adjacent parcel and testified that he believed those parcels were jointly controlled. The Project applicant testified that the Variance was required because the Project was on an undersized lot, and that it complied with all other Zoning Code requirements. He further testified that there were five other properties within 1,000 feet of the Project Site that had smaller lots, some with homes on them. He testified that various County departments had recommended approval and that the Variance was necessary to allow use of the Project Site.
22. After completion of the testimony, the Board closed the public hearing, found that the Project was categorically exempt from CEQA, and instructed County Counsel to prepare necessary findings to approve the Variance.
23. The Board finds that the Project Site is located within the 1 – Low Density Residential land use category of the Los Angeles County General Plan. This land use designation is intended for areas suitable for single-family detached housing units. The proposed single-family residence on the Project Site is therefore consistent with the permitted uses of the underlying land use category.
24. While located within the CSD, properties therein that are located in an R-1 Zone, as is the Project Site, are not subject to the CSD's zone-specific or area-specific development standards of the CSD. Instead, the Project Site is subject to general standards in the Zoning Code. Zoning Code Sections 22.20.105,

22.20.110, and 22.20.120 list development standards related to roofing and siding materials, structure width and minimum floor area, height limits, and yard requirements for single-family residences in the R-1 Zone.

25. With respect to development standards, Zoning Code Section 22.20.105 requires that single family residences in the R-1 Zone have a roof in compliance with County Code Title 26 (the "Building Code") except that reflective, glossy, polished or roll-formed type metal roofing is prohibited. Said Section also sets forth the type of siding materials, minimum width of the residential structure, and a minimum floor area of 800 square feet for single-family residences. The proposed Plot Plan shows that the Project will comply with the square footage and minimum width requirements. Compliance with roofing and siding material requirements will be insured by any building permit issued for the Project.
26. With respect to setbacks and yards, Zoning Code Section 22.20.120 requires premises in the R-1 Zone to have front yard setbacks of at least 20 feet, side yard setbacks of at least five feet, and rear yard setbacks of at least 15 feet. Due to the lot's irregular shape, yard and lot line locations for the property are not clearly defined under the lot line definitions set forth in Zoning Code Section 22.08.120. However, Zoning Code Section 22.48.040 allows the Director of Regional Planning ("Director") the discretion to establish the location of yards and lot lines for irregularly shaped lots. For the Project Site, the Director determined the "front" lot line to be the lot line adjoining Maurice Avenue on which the proposed residence's new address will be based and which the residence's front door will face. The "rear" lot line is determined to be the lot line adjoining Canyonside Road, because it is the most opposite and distant lot line from the "front" lot line. The remaining three lot lines are considered to be the "side" lot lines. The Project proposes minimal setbacks of 23 feet from the Maurice Avenue "front" lot line, 42 feet from the garage to the "rear" lot line along Canyonside Road, and five feet on the three sides of the proposed residence facing the "side" lot lines. Based on these lot line locations, the proposed residence does not encroach into the required front, rear, and side yard setbacks of the Project Site.
27. Pursuant to subsection B of Zoning Code Section 22.48.140, the proposed garage may be placed within the required side yard setbacks because the garage meets the requirements for lot placement (75-foot distance requirement from the front lot line) and rear yard coverage as prescribed in said Section.
28. Zoning Code Section 22.20.110 requires that structures in the R-1 Zone be 35 feet in height or less. The proposed residence's height is 34 feet, four inches above natural grade, thereby complying with Section 22.20.110.
29. Accordingly, the Board finds that the Project complies with the applicable development standards, yard and setback requirements, and height limits set forth in the Zoning Code.

30. The Board finds that the lot was created as an undersized parcel in 1963 and that the lot's irregular shape and yard configuration is unique to the neighborhood because it is an L-shaped parcel containing two street frontages and not a conventional rectangular-shaped parcel with only one street frontage. Strict application of the provisions set forth in the zoning ordinance would create a hardship because the zoning ordinance requires lot sizes with twice the lot area of the existing lot. Requiring compliance with the 7,500-square-foot minimum lot size would either not allow any development, or require the lot to be merged with an adjoining lot creating one large lot allowing a much larger home, thereby adversely affecting the existing small lot and neighboring properties.
31. The Board finds that the Variance is necessary as a condition of a Certificate of Compliance issued for the property on July 14, 2014. The Certificate of Compliance requires a Variance approval prior to any grading or construction on the property. The Variance grants the property owner the right to develop the property with uses that are only allowed in the R-1 Zone, in conformance with the surrounding neighborhood, and will not adversely affect the use and enjoyment possessed by other properties. The Board further finds that, without the granting of a Variance, a hardship would be created in that the property owner would be unable to develop anything other than an accessory-type use on the Project Site.
32. The Board finds that granting the Variance does not allow a development that is not permitted in the R-1 Zone under the County Code. The Variance also does not allow a development which would violate existing development standards, height limits, yard requirements, and parking for single-family residences in the R-1 Zone and would not be detrimental to the prevailing character of the neighborhood.
33. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. There are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification.

- C. The Variance is necessary for the preservation of a substantial property right of the permittee such as that possessed by owners of other property in the same vicinity and zone.
- D. The granting of the Variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Finds that the Project is exempt from CEQA pursuant to section 15303 of the State Guidelines (Class 3, New Construction or Conversion of Small Structures categorical exemption); and
- 2. Approves Variance No. 2014-0008-(5), subject to the attached conditions.

**CONDITIONS OF APPROVAL
PROJECT NO. R2014-01923-(5)
VARIANCE NO. 2014-00008-(5)**

1. This Variance was granted in compliance with Certificate of Compliance No. 2014-00060 and allows the construction of a new single-family residence on a legal undersized lot subject to the following conditions of approval and subject to approval of Plot Plan No. 2014-00707 ("Plot Plan").
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, and 10 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
5. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
 - a. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

- b. If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
6. At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.
7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13, of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director") which must be consistent with the Plot Plan.

14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings.
16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said graffiti or markings within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A."
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A." All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.